S.B.CIVIL WRIT PETITION NO.3188/2000

(Shambhulal v. State of Raj.& Anr.)

Date of Order : 26th April, 2005

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. C.S.Bissa, for the petitioner.
Mr. Shyam Ladrecha, Addl.Govt.Advocate.

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The petitioner entered in the services of the respondents being appointed as a sweeper at Government Ashram Chhatrawas, Nokhna, Dungarpur in pursuant to the order dated 16.3.1991.

The petitioner preferred a writ petition before this Court for regularisation of his services and the same was decided by judgment dated 7.5.1996 with direction to the respondents to consider case of the petitioner for regularisation of his services in even he submits a representation for the same and if he is otherwise eligible to be considered for regularisation under the criteria and the scheme if any framed by the State Government for regularisation of services of such employees.

The petitioner submitted a representation for regularisation of his services but without taking

any decision or atleast communicating any decision to the petitioner the respondents passed an order dated 31.3.2000 discontinuing the petitioner from services.

By the petitioner a challenge is given to the order dated 31.3.2000 referred above.

A reply to the writ petition has been filed by the respondents stating therein that the petitioner was discontinued from services as he was not possessing requisite qualification to hold the post of sweeper as provided under the Rajasthan Class IV Services (Recruitment and Other Service Conditions) Rules, 1963 (hereinafter referred to as “the Rules of 1963”).

The writ petition involving same question has been decided by this Court today itself bearing S.B.Civil Writ Petition No.5997/2003, Ramlal v. State of Rajasthan & Anr.

Accordingly this writ petition is also decided in terms of the judgment given in SBCWP No.5997/2003 (supra). The order impugned dated 31.3.2000 is hereby quashed to the extent it relates to the petitioners and the respondents are directed to reinstate the petitioner in services as a sweeper and further to regularise his services as sweeper by relaxing the condition pertaining to qualification to

hold the post of sweeper. The petitioner shall also be entitled for all consequential benefits.

(GOVIND MATHUR),J.

kkm/ps.